



CITY OF CREEDMOOR

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ORDINANCE 2016-O-10

AN ORDINANCE AMENDING THE CITY OF CREEDMOOR DEVELOPMENT ORDINANCE ARTICLES 16: SUBDIVISIONS AND 21: OPEN SPACE

WHEREAS, the City of Creedmoor Planning Department has initiated text amendments in Article 16 SUBDIVISION and Article 21 OPEN SPACE in response to recent changes in the North Carolina General Statutes and in order to clarify ambiguous language or correct contextual errors; and

WHEREAS, the Board of Commissioners, on May 3, 2016 adopted RESOLUTION 2016 – R – 11, an initial scheduling resolution for ZTA-2016-02; and

WHEREAS, a public meeting was held by the City of Creedmoor Planning Board on June 9, 2016 to consider this series of text amendments, and the Planning Board unanimously found ZTA-2016-02 consistent with the goals of the City of Creedmoor's CITY PLAN 2030; and

WHEREAS, the Board of Commissioners held a public hearing on July 19, 2016 to consider said request, and gave the public an opportunity to be heard; and

WHEREAS, the Board of Commissioners concur with the Planning Board's consistency findings and have approved, by resolution, a statement of consistency and briefly explained why the board considers the action taken to be reasonable and in the public interest.

NOW, THEREFORE, IT SHALL BE ORDAINED by the Board of Commissioners of the City of Creedmoor:

Section 1. That the Creedmoor Development Ordinance be amended as follows:

ARTICLE 16 SUBDIVISIONS

16.1 Subdivision Regulations

16.1-1 Purpose.

The regulations for the subdivision of land set forth below are established to promote orderly growth and development; provide for suitable residential and nonresidential subdivisions with adequate streets and buried, underground utilities and appropriate building sites; provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities; provide for the dedication or reservation of rights-of-way or easements for streets and utility purposes; and provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

16.1-2 Exempt land divisions.

(A.) Divisions of land exempt. In accordance with N.C. Gen. Stat. sec. 160A-376, the following divisions of land are not included within the definition of "subdivision", and are not subject to the City's subdivision regulations:

- (1.) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City of Creedmoor as shown in the City's subdivision regulations;
- (2.) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3.) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;
- (4.) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the City as shown in the City's subdivision regulations;
- (5.) The subdivision or recombination of land by public utilities.
In case of a conflict between this description of exempt subdivisions and state law (N.C. Gen. Stat. sec. 160A-376, or any successor statute), state law shall control.

16.1-3 Coordination with Other Requirements.

When applications for other approvals are required for the subdivision, applications for these approvals may be submitted simultaneously with the initiation of the subdivision approval process to reduce the time required to secure all necessary approvals. Application forms as required for other approvals may be obtained from the Planning, Zoning and Subdivision Administrator.

16.1-4 Submittal.

Applications for subdivision approval shall be submitted to the Planning, Zoning and Subdivision Administrator and must include plats with all information as required by this Ordinance. Application for subdivision shall be filed in accordance with Article 7 of this Ordinance.

16.1-5 Approval Required.

(A.) Date of compliance. After the effective date of this Ordinance, as per NCGS§ 160A-373, no plat for the subdivision of land within the planning and regulation jurisdiction of the City of Creedmoor shall be filed, accepted for recording, or recorded, nor shall the clerk of superior court order the recording of a plat until it has been submitted to the Planning, Zoning and Subdivision Administrator and approved as set forth herein. Minor Subdivisions, as defined in Article 3, are approved following procedures in Article 7.11-2; Major Subdivisions, as defined in Article 3, are approved following procedures in Article 7.11-1.

(B.) No conveyance without approval. No real property lying within the planning and regulation jurisdiction of the City of Creedmoor shall be subdivided until it conforms with all applicable sections of this Article. Violations of this Article shall be subject to the penalties set forth in Article 23. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this chapter.

(C.) Pre-sale contracts. The provisions of this section shall not prohibit any owners or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

(1.) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owners to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.

(2.) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

(3.) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

(4.) Provides that if the approved and recorded final plat differs in any material respect from

the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register or deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds. (NCGS§ 160A-375(b))

16.1-6 Reserved.

16.1-7 Violations.

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the City's jurisdiction, subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G. S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct. (NCGS§ 160A-375 (a))

16.1-8 Dedication and acceptance of public areas.

(A.) Rights-of-way and easements. The approval of a final plat constitutes dedication but does not constitute acceptance by the City of Creedmoor or the public of the right-of-way of each public street and easement shown on the plat. The approval of a plat does not constitute acceptance for maintenance of other improvements in the right-of-way such as street paving, utility lines, drainage facilities or sidewalks. When located within the corporate limits of the City of Creedmoor, such dedications may be accepted only by resolution of the Creedmoor City Board of Commissioners or by their designee following inspection and approval to ensure compliance with specifications established by the City or by the City exercising control over and maintaining these areas. Until the offer of dedication is accepted by the City in either of these

manners, the developer shall be responsible for maintenance of those areas.

(B.) Open space. Land designated as public open space or a park on a plat (as required under Article 21 of the Creedmoor Development Ordinance) shall be considered to be offered for dedication, but not accepted until the Creedmoor City Board of Commissioners, or their designee, has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Creedmoor City Board of Commissioners.

(C.) Sites for public facilities. Where a school or other public site is shown on an approved plat recorded with the Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the Granville County School Board for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

16.1-9 Required improvements.

Improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Planning, Zoning and Subdivision Administrator for recording.

(A.) Street and utility construction.

(1.) Plans. Construction plans for all street, sidewalk, water, sanitary sewer, lighting utility poles, underground utilities, and stormwater facilities shall be submitted to the City of Creedmoor either concurrent with or following preliminary plat approval. The street and underground utility construction plans for each subdivision, or portion thereof, shall include all improvements lying within or adjacent to the subdivision as well as improvements to all streets, sidewalks, stormwater facilities, and water and sanitary sewer lines lying outside the subdivision which provide service to the subdivision. No final plat shall be approved or a Certificate of Occupancy issued until all improvements have been installed and approved or a financial guarantee accepted.

(2.) No construction without plan approval. No improvement to or new construction of street, sidewalk, water, sanitary sewer, and stormwater facilities shall be permitted until the street and underground utility construction plans for such improvements/construction have been reviewed and approved by the City of Creedmoor and appropriate governmental agencies. These agencies may include, but shall not be limited to, the Division of Water Quality of the North Carolina Department of Environmental Quality, and the North Carolina Department of Transportation, or their successors.

(3.) Inspection of construction. All construction undertaken pursuant to approved street and underground utility construction plans shall be inspected and approved by the City of Creedmoor and/or the appropriate governmental agencies.

(B.) Guarantee in lieu of construction of improvements. In lieu of completion of construction of

the required improvements and utilities prior to final plat approval, the property owner may:

- (1.) Submit a performance bond from a corporate surety, licensed in North Carolina to execute such bonds; or
- (2.) Provide an irrevocable letter of credit payable to the City of Creedmoor; or
- (3.) Deposit or place in escrow a certified check or cash in an amount determined by the City. Portions of the security deposit may be released as work progresses; or
- (4.) Enter into an agreement with the City guaranteeing the completion of the required work, the agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the City. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed. The performance bond or irrevocable letter of credit shall be in an amount equal to 125% of the estimated cost of the installation of the required improvements, as determined by the City. The performance bond, letter of credit or surety shall be from a corporate surety, licensed in North Carolina to execute such bonds and having a "Superior or Excellent" rating by Standard & Poor, Moody's, Fitch, or A.M. Best. The performance bond or the irrevocable letter of credit shall secure the completion of construction of the improvements shown on the approved preliminary plat and as detailed within the approved construction plans. The letter of credit or bond shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the City of Creedmoor. Failure to maintain the required bond or irrevocable letter of credit shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval.

A temporary construction easement permitting the City of Creedmoor or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements may be required (at the City's discretion) to be provided with the performance bond, irrevocable letter of credit, or other form of guaranty. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the City. The temporary construction easement shall pass to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the City. Said temporary construction easement shall be recorded at the office of the Granville County Register of Deeds, with recording fees to be paid by the applicant/landowner.

(C.) Failure to perform. Failure to initiate construction of the improvements within one year of the date the bond, letter of credit, or escrow agreement was accepted by the City of Creedmoor shall result in the City, at its sole discretion, constructing the improvements, with the cost to be paid from the letter of credit, bond, or escrow account. The surety or the financial institution holding the escrow account shall, if requested by the City pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements based on an estimate by the City. The City at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the

developer from responsibility for the completion of the improvements. The City may release a portion or all of any security posted as the improvements are completed and approved by the City. In the event that the amount of the letter of credit, bond, or escrow account on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the City of Creedmoor the total amount of the insufficiency. If the City is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the City.

16.1-10 Maintenance of common areas.

Where subdivisions have common areas or facilities serving more than one dwelling unit, the developer shall be responsible for the maintenance of these common areas and facilities. This responsibility may be transferred to another entity, provided the developer prepares a document for recordation showing the transfer of the property and the maintenance responsibilities to a successor. A copy of the recorded document must be provided to the Planning, Zoning and Subdivision Administrator. In such case, the successor shall be responsible for the maintenance of the common access and facilities.

16.1-11 Association Documents.

Prior to the approval of the final plat for a subdivision, all documents related to the creation and operation of the homeowners association, property owners association, and/or any other association created for and/or by the developer, home owners, or property owners of the proposed subdivision shall be submitted to the City of Creedmoor for review and approval. These documents may include but not be limited to the articles of incorporation for the association, the homeowner association documents, the property owner association documents, and design standards. The purpose of the review is to ensure that the documents do not contain standards, requirements, or other provisions that conflict with ordinances, regulations, and/or standards of the City of Creedmoor. The City shall not be responsible for enforcement of the homeowner association documents.

16.1-12 Recordation of final plat.

A final plat must be recorded by the City of Creedmoor in the office of the Register of Deeds for Granville County in accordance with the process outlined in Article 7 of this Ordinance.

16.1-13 Phased development.

Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be approved by the Planning Board. The plan for phased development shall provide for the provision of adequate public facilities to support each and any phase independent of the overall subdivision plan. Access and water supply for fire protection shall be present to the extent required by the North Carolina Fire Prevention Code. In approving the phases, the Planning Board may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved as part of the preliminary plat approval process. If the final plat for any phase of the subdivision is not submitted in accordance with the

approved schedule, the preliminary plat shall be resubmitted to the Planning Department for review and approval. Such resubmittal shall be in accordance with the requirements of this ordinance.

16.2 Subdivision Standards.

16.2-1 General.

All proposed subdivisions shall comply with the standards set forth below.

16.2-2 General Requirements and Compliance with Adopted Plans.

Land shall be subdivided in accordance with good land planning practices and in general conformance with the City Plan 2030 – Land Use and Comprehensive Master Plan, adopted May 14, 2012, including subsequent amendments adopted by the City Board of Commissioners of the City of Creedmoor, including adequate consideration of the natural topography and drainage features and the type of development proposed. Land shall also be subdivided in compliance with the zoning standards set forth in Article 8 of this Ordinance and with other adopted plans and ordinances.

16.2-3 Lot dimensions and standards. (Amended May 27, 2014 per Ord. 2014-O-03)

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances and shall conform to the following:

(A.) Conformance to other regulations. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all City ordinances.

(B.) Area and dimensions of lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in Article 8 and with the lot type standards found in Article 9 of this Ordinance.

(C.) Reserved.

(D.) Lot lines and drainage. Lot boundaries shall be made to coincide with natural and pre-existing manmade drainage ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage ways. Lot boundary lines shall conform to the requirements of Section 19.20-7.

(E.) Double and reverse frontage. Double frontage and reverse frontage lots shall not be approved, except where required in unusual circumstances and specifically approved by Planning Board.

(F.) Lot boundaries. Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the center of public streets. Land to be subdivided which has existing property lines extending into street rights-of-way or into streets shall dedicate a street right-of-way as required by the City of Creedmoor's Technical Standards and Specifications Manual for that section of the street located on or adjacent to the property being subdivided.

(G.) Side lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

(H.) Buildable area. Lots or parcels shall not be unreasonably shaped and shall be made to contribute to the buildable area of a lot. Portions of a lot less than 15 feet wide shall be excluded from the minimum lot area. Additionally, portions of a lot that are less than 26 feet wide and longer than 25 feet will be excluded from the minimum lot area.

(I.) Block dimensions. Blocks shall be laid out taking into consideration traffic circulation patterns and contemplated use. In urban conditions, any dimension of a block may range from 250 to 500 linear feet between cross streets. In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets. Within large-lot subdivisions the blocks may be up to 1500 feet.

(1.) Length. Blocks shall be not less than 250 feet nor more than 1,500 feet in length as stipulated above.

(2.) Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Zoning standards, Article 8, and Lot Type standards, Article 9), except where fronting on major streets is prevented by topographic conditions, in which case a single tier of lots may be approved. Block width standards do not apply to subdivisions proposed as part of a Mini Farm Overlay District (MFO) development.

(J.) Lots on thoroughfares. Residential lots in subdivisions shall not be entered from major thoroughfare streets.

(K.) Access requirements for all lots. Each lot in a subdivision shall meet the access standards set forth in this Ordinance and in the City of Creedmoor Technical Standards and Specifications Manual.

(L.) Lot area calculation. Areas in the public right-of-way shall not be used to calculate compliance with minimum lot size requirements.

(M.) Flag lots. Flag lots shall be permitted subject to the following standards:

(1.) The minimum flagpole width (strip connecting the bulk of the lot to the street) shall be 25 feet or 25% of the minimum required lot width established by the primary general use district, established by Article 8 of this Ordinance, whichever is greater.

(2.) The maximum flagpole length (strip connecting the bulk of the lot to the street) shall be 200 feet.

(3.) The (strip connecting the bulk of the lot to the street) shall not be used in calculating minimum lot area, setbacks, or other dimensional requirements for the zoning district in which the lot is located.

(4.) Not more than 4% of the total number of lots in a subdivision or development shall be flag lots, except not more than 26% of the total number of lots in subdivisions proposed as part of a

Mini Farm Overlay District (MFO) development.

16.2-4 Landscaping and buffering. Landscaping shall be provided in the proposed subdivision as required by Article 11 of this Ordinance. Preservation of existing trees is required in accordance with Article 11.

16.2-5 Open space. Open space as required by Article 21 of this Ordinance and other applicable ordinances and regulations of the City of Creedmoor shall be provided in the proposed subdivision.

16.2-6 Streets and utilities. All streets and underground utilities must comply with the requirements of all other applicable plans and manuals adopted by the City of Creedmoor, including, but not limited to, the City of Creedmoor Technical Standards and Specifications Manual.

16.2-7 Street design. The design of all public streets and roads within the City of Creedmoor shall conform to standards set forth in the City of Creedmoor Technical Standards and Specifications Manual. (The City's standards meet or exceed the standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Roads" published by the N.C. Department of Transportation, Division of Highways.) Where permitted, private streets must also be constructed to the City of Creedmoor design standards. Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.

(A.) Cul-de-Sacs. Cul-de-sacs or other dead end streets designed to be permanently closed are strongly discouraged and can only be used when it is not feasible to connect to an existing or future street. Cul-de-sacs shall not exceed 400 feet in length and shall be provided at the closed end with a right-of-way radius and a turnaround radius meeting or exceeding the standards set forth in the City of Creedmoor Technical Standards and Specifications Manual.

(B.) Continuation of Adjoining Street System. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

(C.) Stub Streets. Where the property to be subdivided abuts another property that, in the opinion of the Planning, Zoning and Subdivision Administrator, could be subdivided in the future, the proposed street layout shall include a public street and right-of-way, meeting the City's standards for width and grade, which connects the streets in the subdivision to the abutting property. This street and public right-of-way shall be preserved for the construction of a future street providing access to the abutting property. The subdivider shall be responsible for placing a permanent sign(s) within the right-of-way of the stub street stating that it is the location of a future street. Such sign(s) shall be approved by the Planning, Zoning and Subdivision Administrator before being placed in said right-of-way.

16.2-8 Naming of streets and subdivisions. All streets shall be named, and signs conforming to City standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets where practical. In no case shall the names of new streets phonetically resemble existing street names. Streets shall be named in accordance with the standards for street naming established by Granville County and must be approved by Granville County's emergency address coordinator. All

subdivisions requiring the development of new public roads within the Single Family Residential District (SFR) and Agriculture District (AG) must be named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the City of Creedmoor or its area of jurisdiction and must be approved by Granville County's emergency address coordinator. The minimum identification requirement is that a sign clearly showing the name of a named subdivision be posted at the primary vehicular entrance to the subdivision from a major and/or minor thoroughfare(s). Residential subdivisions in all other zoning districts may install temporary signage identifying the subdivision until lots are sold. Commercial subdivisions are not required to use identification signage. (See Article 17)

16.2-9 Street construction - property owners' participation. The City of Creedmoor will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street other than streets shown on the map of the streets of the City of Creedmoor known as the Official Powell Bill Map except upon the payment of the full cost and expense of construction or of construction and pavement, as the case may be, and such cost and expense must be actually paid or amply secured (see section 16.1-9(B)) before the City will take any action.

16.2-10 Utility and Pedestrian easements. All subdivision plats shall identify easements for the installation of utilities and pedestrian use as follows:

(A.) Major subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for the burial of utilities including, but not limited to, electric service, telephone service, cable television service, sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the City of Creedmoor, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements shall also be granted for pedestrian use by the public.

(B.) Minor subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for burial of utilities including, but not limited to, electric service, telephone service, cable television service, sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the City of Creedmoor, in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others. All off-street easements shall also be granted for pedestrian use by the public.

16.2-11 Water supply for fire protection.

(A.) Water supply for fire protection shall be provided as required by the North Carolina Fire Prevention Code.

(B.) Size, type, and installation of hydrants shall conform to the specifications set forth in the North Carolina Fire Prevention Code.

(C.) The maximum distance between fire hydrants shall be 500' measured by right angles along

identified travel way(s).

16.2-12 Stormwater management.

(A.) Design of the stormwater management system shall be consistent with the City of Creedmoor's stormwater regulations, as contained in the Watershed Regulations (Article 19 of this Ordinance).

(B.) The stormwater management system design shall comply with the specifications set forth in the stormwater section of City of Creedmoor Technical Standards and Specifications Manual.

16.2-13 Flood standards.

(A.) All subdivision proposals within the City of Creedmoor corporate limits and extraterritorial jurisdiction shall be consistent with the requirements of the City's flood protection regulations set forth in Article 18 of this Ordinance and with the need to minimize flood damage.

(B.) All subdivision proposals shall have the public utilities and facilities such as sewerage systems, gas lines, electrical, telecommunications (television, Internet, telephone, etc.), and water systems located and constructed to minimize flood damage.

(C.) Adequate drainage shall be provided to reduce exposure to flood hazards.

(D.) Base flood elevation data shall be provided for subdivision proposals whenever any portion of the project site is located within a designated flood hazard area.

(E.) Preliminary and final plats shall note the location of floodplain and floodway boundaries and the 100-year flood elevation.

(F.) If there is a water course or dry branch running through or within 150 feet of the proposed subdivision, the prospective sub-divider shall furnish evidence that residential lots within the subdivision will not be flooded. Lots located in flood plains shall comply with the flood prevention standards set forth in Article 18.

16.2-14 Buffer Strips – Streams. Buffer strips shall be provided along streams as required by the Watershed Regulations set forth in Article 19 of this Ordinance.

16.2-15 Electrical, Cabled, Wired and Fiber Optic utilities. Electrical, Cabled, Wired and Fiber Optic utility lines shall be installed underground unless inconsistent with flood protection requirements.

16.2-16 Placement of monuments. The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

**ARTICLE 21
OPEN SPACE**

4.1 Purpose.

The open space standards contained herein are established to provide for the reservation of open spaces in both residential and non-residential developments located in the City of Creedmoor and its territorial jurisdiction. Preservation of open space in developing areas serves a variety of purposes, including meeting the recreational needs of residents, improving the aesthetic character of the community, reducing stormwater runoff, improving stormwater runoff water quality, and enhancing air quality. The standards set forth below establish regulations for open space in residential and non-residential developments.

4.2 Open Space.

Although open space can be agricultural or natural in character, open space is typically planned active play areas, greenways, or walking trails that are developed as part of a residential and/or non-residential development. The following standards are hereby established for open space, with the exception of the Main Street (MS) District, which shall be exempt from the requirements of this section.

4.2-1 Open space land area requirements. Open space shall be provided in accordance with the following table for:

- (A.) initial residential development containing five or more units,
- (B.) redevelopment or additional development that adds five or more units,
- (C.) initial nonresidential or mixed use development greater than 0.6 acres, and
- (D.) redevelopment or additional development that adds 25 percent more nonresidential or mixed use floor area on a site that exceeds 0.6 acres within any 36 consecutive month period.

TABLE 21.1

ZONING DISTRICT	REQUIRED OPEN SPACE
All residential districts.	Single-family/and/or duplex subdivisions: 10% of total subdivision project site area. Other residential: 500 square feet of open space per unit or 9% of lot area, whichever is greater. Nonresidential uses (e.g., religious institutions, schools, etc.): 6% of lot area.
All other districts, <i>excluding MS which is exempt from these requirements</i>	7.5% of lot area

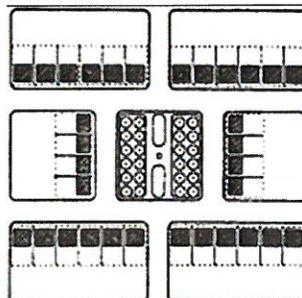
4.2-2 Land designated as future open space. Regardless of the requirements and exemptions of this subsection, any portion of the site of the proposed development that is designated as future open space or greenway in the "City Plan 2030 –Land Use and Comprehensive Master Plan" adopted by the City of Creedmoor, as amended from time to time, shall be reserved for open space. This area may be counted toward the total amount of open space required for the

development.

If the total amount of land required proposed as future open space or greenway is less than the total amount of open space required for the development by the above table, then the developer shall provide additional open space to meet the requirement of the above table. If the amount of land designated as future open space or greenway exceeds the total amount of open space required by the above table, then the developer must still provide the open space designated in the official adopted plan.

- 4.2-3 Minimum open space area. Individual areas designated as open space areas shall not contain less than 500 square feet.
- 4.2-4 Improvement of open space. With the exception of Natural and Agricultural Open Space, open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain four or more of the following improvements: landscaping, walls/fences, walks, multi-use greenway trails, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields, tennis courts, and/or play grounds).
- 4.2-5 Design and location. In major subdivisions and multi-building developments in all zoning districts except Agricultural, open space shall be integrated into the design of the site. In subdivisions where 50% or more of the lots are less than 0.75 acre in size, open space shall be located within ¼ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two. In subdivisions where 50% or more of the lots are 0.75 acre or more in size, open space shall be located within ½ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two.
- 4.2-6 Focal point. Open space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods so that open space serves the needs of multiple age groups.
- 4.2-7 Types of open space. Open space types include Squares, Parks, Forecourts, Plazas, Greenways, and Natural and Agricultural. Standards for these open space types are set forth below.

(A.) Squares



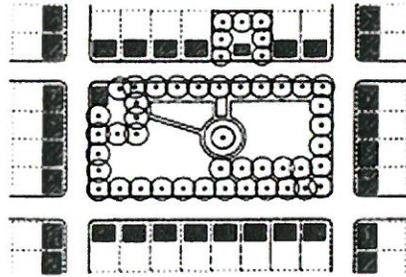
Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter.

Squares should be used in tight urban environments where residents have little yard space. Squares are used to bring a more natural landscape into an urban environment. As such, not more than 25% of a square should be impervious surface coverage. Hardscaping should be decorative (example brick pavers instead of asphalt for walkways).

Min size: 500 sq. feet

Max Size: 2 acres

(B.) Parks



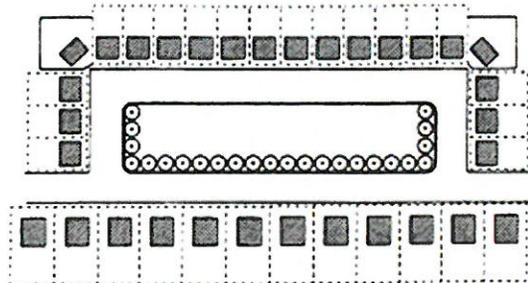
Parks are areas for passive or active recreational use. Parks should be bounded by streets on a minimum of two sides or 50% of their perimeter.

Minimum Size: 6,500 square feet

Maximum Size: 8 Acres. Maximum size may exceed eight acres if the park serves multiple neighborhoods or preserves environmental features.

Parks should be areas where passive and active recreation occur simultaneously (example: park benches for elderly and a tot-lot for young children), encouraging intergenerational interactions among park users.

(C.) Forecourt

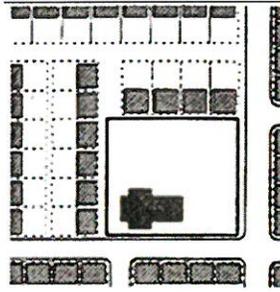


Forecourts are open spaces that act as buffers between residential buildings and streets or non-residential buildings. Forecourts are entirely bounded by buildings or streets. It is recommended that forecourts be planted parallel to all street right-of-ways.

Minimum Size: 500 sq feet

Maximum Size: 1.5 acre

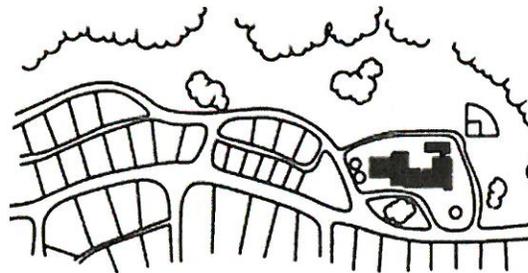
(D.) Plaza



A plaza is an open area adjacent to a civic or commercial building. Plazas should be planted with deciduous trees to provide shade in the summer (example: the NC State Capital Building lawn in Raleigh, NC). Plazas function as gathering places and may incorporate a variety of non-permanent activities such as outdoor farmers markets or craft fairs. Limited parking is permissible on plazas. Plazas should match the architectural style of the buildings that they are adjacent to regarding materials and design. Plazas shall be level or gently sloping.

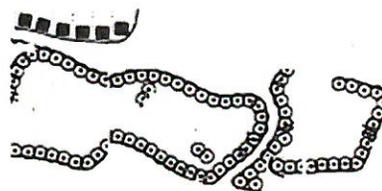
Minimum Size: none Maximum Size: none

(E.) Greenways



Greenways are spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Greenways shall have streets or pedestrian ROWs parallel to or integrated into at least 75% of their length. Greenways are used for walking, jogging, biking, and they are used as wildlife corridors. Greenways may have infrequent small-scale active recreational facilities such as playgrounds, although the majority of greenways shall be for passive, pedestrian and/or bicycle recreation.

(F.) Natural and Agricultural Open Space



Natural and Agricultural Open Space preserves agricultural lands, environmentally sensitive areas, scenic views, cultural features, and rural character that would likely be lost through conventional development approaches. To accomplish this goal, the City of Creedmoor

encourages creativity and allows for greater flexibility in the design of developments through use of the Mini-Farm and Traditional Neighborhood Development Overlay Districts (Article 8).

Natural and Agricultural Open Space shall be placed in preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the neighborhood.

- 4.2-8 Open Space Ownership and Conservation Easement. Open space may be owned or administered by one or a combination of the following methods: fee simple ownership by a unit of government or private non-profit land conservancy; owned by a homeowners association; or by individual private ownership such as a farmer, developer or other private entity that maintains the open space (i.e. farming, equestrian facility, etc.)

All lands within areas required to be maintained as open space shall be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

Public use of the open space may be limited to residents of the development, except for land used for public sidewalks and multi-use trails, provided that such open space is held in private or association ownership.

- 4.2-9 Maintenance. The owner or lessee of the property designated as the open space shall be responsible for the maintenance of the open space area. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of debris. Failure to maintain the area shall constitute a violation of this ordinance and subject the violator to the penalty provisions of Article 23 if not corrected within 30 days of notification. Alternatively, if acceptable to the City, as applicable, the land may be dedicated to the City for public use and thereafter maintained by the City.

- 4.2-10 Land Acceptable for Open Space Designation. The classes of land enumerated below may be utilized to meet the requirements of this section.
- (A.) Open water, wetlands, utility transmission right-of-ways, and undisturbed floodplains may account for up to twenty percent (20%) of the area requirement.
 - (B.) Land used for public sidewalks significantly in excess of standard sidewalk requirements, streetscape and hardscape areas accessible to the public including sidewalk cafe areas, areas containing public art, and similar urban open space amenities.
 - (C.) Land on which locally or nationally designated historic structures are located and determined to be contributing to the designation.
 - (D.) Land which exceeds a 10 percent slope may be used to provide up to fifty percent (50%) of the required open space if existing slopes and vegetation so designated remain undisturbed.
 - (E.) Land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, may be used for up to ten percent (10%) of the required open space
 - (F.) Reserved.
 - (G.) Land that is suitable for agriculture, land that has environmentally sensitive areas (ex. mature trees), or land that has cultural significance (ex. important view such as a rural entrance into City).

- 4.2-11 Land not Acceptable for Open Space Designation: The classes of land enumerated below shall not be utilized to meet the requirements of this section:
- (A.) Land that is contaminated with hazardous or toxic waste or materials as defined by state or federal regulations, with the exception of land covered by an approved mitigation plan and deemed acceptable to the City or land that is designated in an officially adopted Open Space or Greenway master plan.
 - (B.) Land occupied by streets, drives, parking areas, required landscape buffers, or structures other than recreational structures.
 - (C.) Land with a minimum width less than 24 feet unless part of a greenway system or specifically approved by the *Planning, Zoning & Subdivision Administrator*. Mixed use developments in the TND district are exempt from the minimum width requirement.
 - (D.) Playgrounds and athletic fields that have not been maintained to adequate standards for safe and sanitary use.

Section 2. The Clerk is hereby authorized to insert such amendments into the official Creedmoor Development Ordinance kept on file in the Office of the Clerk and with the Planning/Zoning/Subdivision Administrator.

Section 3. This ordinance amendment shall become effective upon adoption.

BE IT IS SO ORDAINED this the 19th day of July, 2016.

CITY OF CREEDMOOR BOARD OF COMMISSIONERS



Darryl D. Moss, Mayor

Attest:



Kathleen J. McCorkle, City Clerk

